

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

In the Matter of)

Request For Limited Modification of the)
LATA Boundary to Provide Extended Area)
Service Between the Albany Exchange in the Baton Rouge)
LATA and Each of the Amite and Kentwood Exchanges)
in the New Orleans LATA, and Between the Springfield)
Exchange in the Baton Rouge LATA and Each of the)
Amite, Kentwood and Independence Exchanges in the)
New Orleans LATA, in the State of Louisiana)

MAY - 2 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

wf 2-134

PETITION

I. INTRODUCTION

BellSouth Telecommunications, Inc. and BellSouth Corporation ("BellSouth"), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's *Memorandum Opinion and Order* ("Order") released July 15, 1997 in CC Docket 96-159,² hereby make this application for a limited modification of the LATA boundary to provide Extended Area Service ("EAS") between the Albany exchange in the Baton Rouge LATA and the exchanges of Amite and Kentwood in the New Orleans LATA, and between the Springfield exchange in the Baton Rouge LATA and the exchanges of Amite, Kentwood and Independence in the New Orleans LATA, in the state of Louisiana.

¹ The Communications Act of 1934, as amended, 47 U.S.C. § 151, *et seq.* (2001).

² *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations*, CC Docket No. 96-159, *Memorandum Opinion and Order*, 12 FCC Rcd 10646 (1997). By way of this *Order* the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

II. SUPPORTING INFORMATION

On September 9, 2001, the Louisiana Public Service Commission ("LPSC") issued an order, attached hereto as Exhibit A, granting certain EAS modifications in Louisiana. As prescribed in paragraph 23 of the Commission's *Order*, BellSouth provides the following necessary information in support of its application:

1. Type of service: Flat-rate, non-optional EAS;
2. Direction of service: Two-way;
3. Exchanges involved: The Albany and Springfield exchanges are in the Baton Rouge LATA. The Kentwood, Amite and Independence exchanges are in the New Orleans LATA;
4. Name of carriers: BellSouth Telecommunications, Inc. provides local exchange service in all affected exchanges;
5. State commission approval(s): See Exhibit A for a copy of the order issued by the LPSC;
6. Number of access lines or customers: Albany has 5,897 access lines, Amite has 7,861 access lines, Independence has 4,855 access lines, Kentwood has 3,927 access lines and Springfield has 4,042 access lines;
7. Usage data: BellSouth does not have any usage data available because BellSouth does not currently carry traffic across LATA boundaries;
8. Poll results: No poll was taken. However, the LPSC received many requests from citizens in Albany and Springfield as well as from other parts of Tangipahoa Parish, asking for approval of a plan that would allow them to call across the LATA on a flat rate basis. The LPSC acted upon these requests and approved the application;
9. Rate Change: There is no rate change;
10. Community of interest statement: Many people served by the Albany and Springfield telephone exchanges, which are located in the Baton Rouge LATA, are physically located within Tangipahoa Parish. The majority of the businesses, medical facilities, school offices and governmental agencies in Tangipahoa Parish are located in telephone exchanges that are part of the New Orleans LATA. To conduct normal business affairs in their parish seat, Amite, as well as in other cities in Tangipahoa Parish, these Albany and Springfield residents must make toll calls. The LPSC has determined that a sufficiently strong community of interest exists between the Albany exchange and the Kentwood and

Amite exchanges, and between the Springfield exchange and the Amite, Kentwood and Independence exchanges, to warrant EAS;

Map: See Exhibit B; and

11. Other pertinent information: N/A.

III. PRIMA FACIE SHOWING

BellSouth's Petition shows that (1) EAS has been approved by the LPSC; (2) the EAS proposal includes only traditional local service (i.e., flat-rate, non-optional EAS); (3) the LPSC found sufficient community of interest to warrant such service; and (4) EAS involves a limited number of customers or access lines. These showings meet the prima facie test for LATA modification established by the Commission in its *Order*.³

³ *Order* at 10659, ¶ 24.

IV. CONCLUSION

Wherefore, BellSouth requests that the Commission approve its application for a limited modification of LATA boundaries to provide EAS between the Albany exchange in the Baton Rouge LATA and the exchanges of Amite and Kentwood in the New Orleans LATA, and between the Springfield exchange in the Baton Rouge LATA and the exchanges of Amite, Kentwood and Independence in the New Orleans LATA, in the state of Louisiana.

Respectfully submitted,

BELLSOUTH CORPORATION
BELLSOUTH TELECOMMUNICATIONS, INC.

By:



Richard M. Sbaratta

Their Attorney

BellSouth Corporation
Suite 4300
675 West Peachtree Street, N. E.
Atlanta, Georgia 30375-0001
(404) 335-0738

Date: May 2, 2002

Exhibit A

**Copy of Louisiana Public Service Commission's Order
Granting EAS between the Albany exchange in the Baton Rouge LATA and
the exchanges of Amite and Kentwood in the New Orleans LATA, and between the
Springfield exchange in the Baton Rouge LATA and the exchanges of Amite, Kentwood
and Independence in the New Orleans LATA, in the state of Louisiana.**

LOUISIANA PUBLIC SERVICE COMMISSION

SPECIAL ORDER NO. 26-2000-B

In re: Implementation of Rate Reductions Mandated by Act No. 22 of the 2000 Legislative Session of the Louisiana Legislature

(Decided at the September 9, 2001 Business and Executive Session)

During the 2000 Louisiana Legislative Session, the State passed Act No. 22 ("the Act") to correct the disparate treatment accorded certain telecommunications providers operating within the State of Louisiana. Under Louisiana's present property tax structure, the property of some telecommunications providers is classified as "Public Service Property" and is assessed at twenty-five (25) percent of fair market, while the property of other telecommunications providers is assessed at the ordinary corporate rate of fifteen (15) percent. The Act provides a tax credit to those telecommunications providers with property classified as "Public Service Property" under state law. The tax credit eliminates the forty (40) percent difference between the ordinary corporate rate and the rate assessed on Public Service Property.

The Act provides that in order for the legislation to become effective, the Commission must implement rate reductions in amounts equal to the tax credits received hereunder by telecommunications providers with property classified as Public Service Property. In accordance with the provisions of the Act, the Commission has, to date, ordered reductions totaling \$16.518M with a remaining rate reduction obligation of \$6.182M to be decided. The remaining \$6.182M was subject to an Attorney General's Opinion as to whether the Commission could order that a portion of one provider's tax savings benefit the ratepayers of another provider. The Attorney General's Opinion has been received and has advised, per Act 22 of the 2000 Legislature, that the Commission cannot order that a portion of one provider's tax savings benefit the ratepayers of another provider.

In accordance with the aforementioned Attorney General's Opinion, the Commission voted to implement a reduction totaling \$4.044M at the July Business and Executive Session. The Commission further decided to postpone making a final determination on the remaining \$2.072M in rate reductions until the September Business and Executive Session.

At the September Business and Executive Session, Staff recommended the remaining \$2.072M be refunded to customers through further EAS routes or through a reduction of hunting charges for business customers for both flat rate and LOS Option B customers. David Barron of BellSouth provided the Commission with a list of the EAS routes that could be extended through these funds. These routes are as follows:

Plaquemine to Baton Rouge; Columbia to Monroe; Calhoun to Bastrop; Calhoun to Chatham; Calhoun to Ruston; Mer Rouge to Monroe; Winnsboro to Mangham; Ruston to Monroe; Bastrop to Sterlington; Keithville to Greenwood; Ringgold to Minden; St. Joseph to Newellton; St. Joseph to Waterproof; Eunice to Mamou; Eunice to Iota; Eunice to Opelousas; Eunice to Lawtell; Ferriday to Vidalia; Monterrey to Vidalia; Thibodaux to Raceland; Bunkie to Opelousas; and Oil City and Mooringsport to Ida, Belcher, Hosston, Gilliam, Rodessa, and Vivian.

The above EAS routes could be served using a total of \$1,969,121.00, leaving approximately \$100,000 to be distributed. During discussion of the above routes, the Commission also mentioned adding, among others, the following routes: Albany and Springfield to all exchanges in Tangipahoa Parish. On motion of Commissioner Blossman, seconded by Commissioner Field and unanimously

adopted, the Commission voted to provide EAS to the above exchanges read into the record by Mr. Barron, including the addition of the Albany and Springfield to Tangipahoa Parish and various other routes to complete BellSouth's obligation.

THEREFORE IT IS ORDERED AND DECREED THAT:

1. The following treatment of rate reductions associated with Act 22 for BellSouth Telecommunications, Inc.:

Provide EAS between the following exchanges:

Plaquemine to Baton Rouge; Columbia to Monroe; Calhoun to Bastrop; Calhoun to Chatham; Calhoun to Ruston; Mer Rouge to Monroe; Winnsboro to Mangham; Ruston to Monroe; Bastrop to Sterlington; Keithville to Greenwood; Ringgold to Minden; St. Joseph to Newellton; St. Joseph to Waterproof; Eunice to Mamou; Eunice to Iota; Eunice to Opelousas; Eunice to Lawtell; Ferriday to Vidalia; Monterrey to Vidalia; Thibodaux to Raceland; Bunkie to Opelousas; and Oil City and Mooringsport to Ida, Belcher, Hosston, Gilliam, Rodessa, and Vivian.

\$1968M

Provide EAS between the following exchanges:

The interLATA routes from Albany to Amite and Kentwood; and from Springfield to Amite, Independence and Kentwood. These interLATA routes will have to be filed with the FCC for approval.

Labadieville to Thibodaux and Chackbay; Opelousas to Krotz Springs and Melville; Melville to Krotz Springs and Port Barre; Krotz Springs to Port Barre; Grand Cane to Shreveport and Keatchie; Homer to Lisbon; and Plain Dealing to Shreveport; Monterey to Ferriday.

\$0368M

TOTAL REDUCTION

\$2338M

2. This Order shall be effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
March 8, 2002

/S/ JAMES M. FIELD
CHAIRMAN JAMES M. FIELD
DISTRICT II

/S/ JACK "JAY" A. BLOSSMAN
VICE CHAIRMAN JACK "JAY" A BLOSSMAN
DISTRICT I

/S/ DON OWEN
COMMISSIONER DON OWEN
DISTRICT V

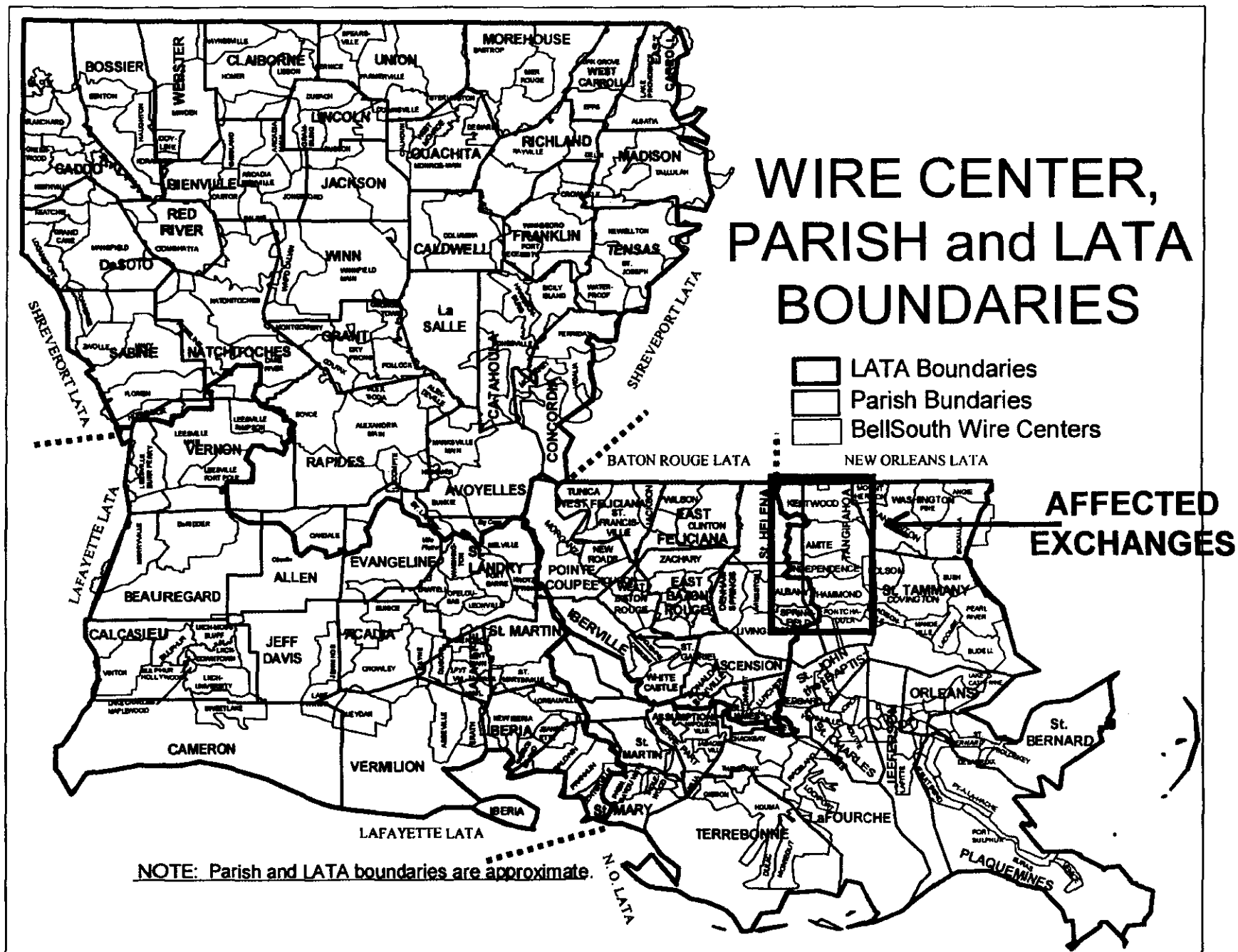
/S/ IRMA MUSE DIXON
COMMISSIONER IRMA MUSE DIXON
DISTRICT III

LAWRENCE C. ST BLANC
SECRETARY

/S/ C. DALE SITTIG
COMMISSIONER C. DALE SITTIG
DISTRICT IV

Exhibit B

LATA Boundary Map for Exchanges in Louisiana



CERTIFICATE OF SERVICE

I do hereby certify that I have this 2nd day of May 2002 served the following parties to this action with a copy of the foregoing **PETITION** by hand delivery addressed to the parties listed below.

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, S. W.
TW-A325
Washington, D. C. 20554

Qualex International
The Portals, 445 Twelfth Street, S.W.
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Juanita H. Lee